

THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.20457 OF 2007

-
Dated: 19.11.2007

-
-

Between:

Syed Faheemuddin
...Petitioner

And

The Divisional Forest Officer, Warangal,
South Division, Warangal, Warangal District
and others
Respondents

...

THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.20457 of 2007

-

ORAL ORDER: (per the HON'BLE SRI JUSTICE D.S.R.VARMA)

Heard learned counsel appearing for the petitioner as well as learned Government Pleader for Forests, appearing for respondents.

2. This writ petition is directed against the order, dated 21.12.2006, passed by the Andhra Pradesh Administrative Tribunal at Hyderabad (for brevity "the Tribunal"), dismissing the application O.A.No.53 of 2006, wherein the petitioner challenges the proceedings, dated 18.10.1984 and 07.08.1991, passed by respondent No.1 herein, and the consequential proceedings, dated 27.03.1999, passed by respondent No.2 herein, and the proceedings, dated 27.09.1999 and 05.09.2005, issued by

respondent No.4, as arbitrary, illegal and contrary to the principles of natural justice and for a further direction to respondents to restore the increment of the petitioner, which was deducted.

3. The facts of the case, shorn of unnecessary details, necessary for disposal of this writ petition, are that, while the petitioner was working as Forest Guard, charge sheet, dated 16.07.1984, was issued against him for dereliction of duties; that an explanation was called for and an enquiry was conducted, and that, eventually, the petitioner was served with the order, dated 18.10.1984, whereby, his salary was brought down to the minimum for a period of five years with a further direction that the said punishment will have an effect on his pension. Subsequently, an order, dated 07.08.1991, had been passed by respondent No.1 and was served on the petitioner. It further appears that the petitioner filed an appeal before respondent No.4 herein in 1999, but the same was dismissed, by proceedings vide Memo.No.4246/For.IV/99-2, dated 27.07.1999. Hence, the petitioner had filed said O.A., before the Tribunal and that the Tribunal had considered various aspects including the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 (for short "APCS (CC&A) Rules") and also various judgments of the apex Court, and eventually, dismissed the O.A. Aggrieved by the same, the petitioner has filed the present writ petition.

4. At the outset, it is to be seen that, admittedly, for the alleged irregularities, said to have been committed by the petitioner, an enquiry was conducted and the order, dated 18.10.1984, was passed, imposing the punishment of bringing down his salary to the minimum for a period of five years, but the said order was not challenged by the petitioner. Subsequently, another order was passed by respondent No.1, explaining the implication of the punishment awarded in the order, dated 18.10.1984, through proceedings, dated 07.08.1991. However, the petitioner did not opt to challenge the same and, subsequently,

filed an appeal before the competent authority in the year 1999 i.e., actually about one and half decades from the date of passing of the original order, dated 18.10.1984, and, in fact, the said appeal was dismissed, as time barred, through proceedings vide Memo.No.4246/ For.IV/99-2, dated 27.07.1999.

5. It is needless to repeat that the petitioner had kept quiet on both the earlier occasions, when the orders were passed, without approaching any Court of law, seeking redressal. However, he filed the said O.A., before the Tribunal, only in the year 2006.

6. From the above events, regardless of the merits of the case, at every stage, the petitioner was not diligent and did not opt to challenge the orders passed against him. As a matter of fact, Rule 40 of the APCS (CC&A) Rules prescribes six months time for filing an appeal from the date of passing of the order. Even otherwise, the earliest point of time for the petitioner to challenge the impugned orders passed against him, for the alleged irregularities, was somewhere in the year 1984 or 1985 or, at least, within a reasonable period from the date of passing of the said orders on earliest occasion.

7. Now, by virtue of the order, dated 07.08.1991, explaining the order, dated 18.10.1984, the order passed in 1984 had already come into force quite some time back. Hence, at this stage, the validity or otherwise of those orders cannot be gone into by this Court, particularly, when the revisionary authority had rejected the appeal on the ground of limitation and also by the Tribunal, on merits.

8. For the foregoing, we do not find any justification to interfere with the impugned order, passed by the Tribunal, and the writ petition is liable to be dismissed.

9. In the result, the writ petition is dismissed, at the stage of admission, since the matter has been heard at length sufficiently. However, there shall be no order as to costs.

D.S.R.VARMA

JUSTICE

19TH NOVEMBER 2007
DR

JUSTICE K.C.BHANU